

Montana Judicial Branch Administrative Policies

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1.0 POLICY

The Judicial Branch recognizes that traveling may be required to conduct court business in Montana. Judicial Branch officials and employees are encouraged to limit travel to that which is necessary and to travel by the least costly methods available. All travel, wherever possible, should be planned sufficiently in advance to permit full utilization of cost-saving measures. Out-of-state travel is subject to additional approval steps outlined in section 4.0 because of the expense associated with this type of travel.

The Judicial Branch adopts the travel, meals, and lodging requirements specified in Title 2, Chapter 18, Part 5, MCA, the State of Montana's "Employee Travel" policy specified in Montana Operations Manual (MOM), Volume 1, Chapter 0300, and the Risk Management and Tort Defense Division's administrative rules on state vehicle use in ARM Title 2, Chapter 6, Sub-Chapter 2, **unless other guidance is provided in this policy**. These authorities constitute the conditions and methods concerning travel reimbursement for all Judicial Branch officials and employees except as otherwise provided in this policy.

2.0 DEFINITIONS

As used in this policy, unless the context clearly indicates otherwise, the following definitions apply:

- 2.1 "Employee" means an individual employed by the Judicial Branch other than an official.
- 2.2 "Official" means a Supreme Court Justice, a District Court Judge, or a Water Court Judge.
- 2.3 "State vehicle" means a motor vehicle that is assigned under section 7.0, or rented for short-term travel from the state motor pool.
- 2.4 "Travel shift" means a period of time that begins one hour before and ends one hour after an employee's regular scheduled work shift.

3.0 OFFICIAL AND EMPLOYEE TIME AND TRAVEL

3.1 Officials and employees are expected to travel in an efficient and cost-effective manner.

1. If a state vehicle is available, an employee **should** use the state vehicle for work-related travel except as provided for in subsection 3.1.2.

2. If a state vehicle is available, an employee's supervisor may approve an employee's request to use his or her personal vehicle if the employee is requesting the use of a personal vehicle:

a. because of an extenuating circumstance. **Examples of extenuating circumstances include hazardous road conditions** or the need to have a person other than a state employee transport the employee because an illness or temporary disability prevents the employee from safely operating a state vehicle. If approved **through the travel reimbursement form**, the employee will be reimbursed for mileage at the high rate as described in 1-0310.10 of the State of Montana "Employee Travel" policy.

b. for a reason other than an extenuating circumstance as described in subsection 3.1.2(a). If approved **through the travel reimbursement form**, the employee will be reimbursed for mileage at the standard rate as described in 1-0310.10 of the State of Montana "Employee Travel" policy. For an employee assigned a state vehicle under section 7.0, the use of a personal vehicle under this subsection must be kept to a minimum to ensure the cost effectiveness of assigned state vehicles.

3. If a state vehicle is available, employees traveling to the same location **should** travel together in the state vehicle unless a good reason exists for an employee to travel separately in another state vehicle or in a personal vehicle. The employee's supervisor shall determine if **justification exists** for the use of a separate state or personal vehicle and pre-approve this use.

4. If a state vehicle is available, an official **should** use the vehicle for work-related travel unless:

a. the official determines that an extenuating circumstance exists for using his or her personal vehicle. **Examples of extenuating circumstances include hazardous road conditions** or the need to have a person other than a state employee transport the official because an illness or temporary disability prevents the official from safely operating a state vehicle. If the official has determined that an extenuating circumstance exists, he or she will be reimbursed for mileage at the high rate as described in 1-0310.10 of the State of Montana "Employee Travel" policy.

b. the official chooses to use his or her personal vehicle for a reason other than an extenuating circumstance, except as provided in subsection 3.1.4(c). The official will be reimbursed for mileage at the

standard rate as described in 1-0310.10 of the State of Montana “Employee Travel” policy. For an official assigned a state vehicle under section 7.0, the use of a personal vehicle under this subsection **should** be kept to a minimum to ensure the cost effectiveness of assigned state vehicles.

c. the official chooses to use his or her personal vehicle to permit the official’s family or guest to accompany the official to a Montana Judges’ Association conference. The official will be reimbursed for mileage at the high rate as described in 1-0310.10 of the State of Montana “Employee Travel” policy.

5. If a state vehicle is not available, an official or employee (subject to the approval of the employee’s supervisor) may use his or her personal vehicle for work-related travel. The official or employee will be reimbursed for mileage at the high rate as described in 1-0310.10 of the State of Montana “Employee Travel” policy.

6. Officials and employees are required to have prior approval from the Office of Court Administrator (OCA) for rental-car expenses. Rental car expenses will be paid only for the daily fees and mileage accrued in conducting state business.

7. When considering an official’s or employee’s use of a personal airplane versus a vehicle for travel, the cost-benefit of each mode of travel must be calculated. The calculation must include hourly salaries, time in travel status, mileage reimbursement rates and any other factors considered appropriate. The reimbursement rate for use of a personal airplane is the rate established for private plane usage by the Department of Administration in its most recent Montana Operations Manual Management Memo for personal car/airplane mileage rates. Use of a personal airplane versus a vehicle for travel must be approved by the OCA. If the approved mode of travel is not the least costly, the OCA must document reasons why the more expensive mode of travel was chosen.

3.2 In general, employees will be compensated for travel as follows:

1. Employees will be compensated for all hours in a work status. This includes hours at training or conferences, travel time (including time spent in the car and time waiting for transportation at a train station or airport), and during the performance of work-related activities. Employees will not be compensated for leisure activities, additional days at the travel location when the employee is not working, and social activities related to a conference or training.

2. If an official or employee opts to remain in a location for additional days to lower transportation costs, the official or employee will receive meals and hotel

expenses provided that the cost of the additional stay does not exceed the savings in transportation costs.

3. Travel time may result in overtime obligations. As such, employees and supervisors should consult the Judicial Branch Overtime and Compensatory Time Policy for additional information.

4.0 OUT-OF-STATE TRAVEL APPROVAL

Out-of-state travel by officials and employees must be approved by the traveling party's supervisor (if an employee) and the OCA except as provided below. Approval by both parties is required because of the expense associated with travel outside of Montana. Addendum A contains the form for approval of out-of-state travel. This approval process **does not** apply to Youth Court travel for youth placement purposes. Travel for youth placement purposes is subject to the Youth Court Judge's approval.

- 4.1 The funding source must be listed and will be considered in the approval of travel. State general funding is limited and travel funded with general fund dollars may be denied more often than travel funded with grant or scholarship dollars.
- 4.2 The number of out-of-state trips taken by an official or employee – in conjunction with the funding source – will be considered in the approval process. This does not mean that officials and employees will be limited in the number of out-of-state travel requests, only that multiple requests for travel will be closely reviewed prior to approval.
- 4.3 A "Request for Approval and Justification of Out-Of-State Travel" form (attached) should be signed and forwarded to the OCA prior to the travel dates. The OCA will approve or deny the request and notify the requester of the approval or denial.
- 4.4 Officials and employees are encouraged to schedule out-of-state training in a cost-effective manner. If airfare would be less expensive if an official or employee were to extend travel for an additional day or days, the official or employee may opt to stay the additional time. The cost of additional lodging and per diem must be considered when calculating the least costly mode of travel. Documentation of the less expensive airfare must be submitted with the out-of-state travel approval form required under section 4.0.

5.0 MEAL/LODGING/MISCELLANEOUS BUSINESS EXPENSES

Necessary expenses actually incurred will be reimbursed in accordance with the maximum allowable rates set forth in the MOM - Employee Travel.

5.1 In general, officials and employees will be reimbursed as follows:

Meal Allowance Rates:	In-State	Out-of-State	Time Range
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Morning Meal	\$7.50	\$13	12:01 a.m. to 10 a.m.
Mid-day Meal	\$8.50	\$14	10:01 a.m. to 3 p.m.
Evening Meal	\$14.50	\$23	3:01 p.m. to midnight
Total for the day	\$30.50	\$50	

5.2 In order to claim an allowance for a meal, an official or employee must be in travel status for more than three continuous hours within the specified time range. Employees and officials may not request a meal allowance when the meal is provided as part of attendance at a conference.

5.3 When all travel for an employee takes place within the employee's assigned travel shift, the employee may claim only one meal per day. The employee is entitled to two meal allowances during a 24-hour calendar day under the following circumstances: departing within the employee's travel shift, but returning outside the shift or departing before the employee's assigned travel shift and returning during the travel shift. When travel is totally outside the confines of the employee's travel shift, eligibility for a meal allowance is governed strictly by the time ranges for each meal.

5.4 Standard Lodging Rates: In general, the maximum lodging reimbursement rate for an official or employee for in-state travel is the actual cost of lodging, not to exceed the federal per diem room rate for the location involved, plus the taxes on the allowable cost. Lodging rates are available at:

<http://doa.mt.gov/doatravel/travelmain.asp>. (Click on "Federal Lodging Rate Guidelines.")

Reimbursement for the cost of out-of-state lodging is governed by federal guidelines for that location. Reimbursement for staying in a facility that does not provide receipts (with friends or relatives, or in a camper or trailer, or the official or employee fails to obtain a receipt) is \$12 per night. Officials and employees should use the most cost-effective lodging available.

5.5 If an official or employee is traveling with a non-state-employee, the lodging rate claimed must reflect only the rate for one person. The single-occupant rate should be noted and marked as such on the receipt.

5.6 If an official or employee is reasonably unable to secure lodging at the approved state rate, reimbursement for the higher rate must be approved by the Supreme Court Administrator.

5.7 Miscellaneous business expenses associated with official travel are reimbursable. Each expense of \$25 or more must be supported with a paid receipt. Examples of allowable miscellaneous expenses include needed working supplies purchased on an emergency basis, taxi fares, rental car costs, airport parking fees, and business telephone calls. Miscellaneous expenses do not include such items as tips or taxes on meals.

6.0 STATE VEHICLE USE

The Department of Administration, Risk Management and Tort Defense Division (RMTD) provides insurance coverage for state vehicles. The RMTD rules (ARM Title 2, Chapter 6, Sub-Chapter 2) governing the use of state vehicles include, but are not limited to the following provisions:

6.1 Authorized drivers include both state employees and certain non-state employees with valid, appropriate driver's licenses. Non-state employees must meet the criteria delineated in the attached RMTD Administrative Rule 2.6.203. An authorized driver is required to have the appropriate "Vehicle Use Agreement" Form completed, signed by the appropriate management authority, and on file at the OCA prior to driving a state vehicle.

6.2 Authorized drivers may use state vehicles to conduct business on behalf of the state; to obtain food, lodging, and other necessities; and to respond to medical or other emergency situations.

6.3 Authorized drivers, in travel status overnight, may use state vehicles during non-work time for leisure activities or personal business, within the constraints listed in the Administrative Rule 2.6.203.

6.4 Authorized passengers in state vehicles are listed in the RMTD Administrative Rule 2.6.204.

6.5 No person under the influence of alcohol, illegal drugs, or improperly used prescription drugs may drive a vehicle for state business.

6.6 Alcoholic beverages are not allowed in state vehicles.

6.7 Failure to comply with the requirements of these rules may result in disciplinary action, including suspension or termination.

7.0 ASSIGNMENT OF STATE VEHICLES

7.1 Within available funding, the OCA may lease a vehicle from the Montana Department of Transportation's state motor pool or purchase a vehicle and assign it to a District Court Judge or an employee when:

- a. assigning a vehicle would be more cost effective than reimbursement for personal vehicle mileage; or
- b. a vehicle is needed by a youth probation office to transport youth.

7.2 The OCA shall track state vehicle and personal vehicle mileage for District Court Judges and employees each month. Mileage information will be obtained from travel expense vouchers and vehicle records.

7.3 When considering a new purchase or lease of a state vehicle, on or before September 30 of each year, the OCA should determine when it would be more

cost effective to lease a vehicle from the state motor pool rather than pay personal vehicle mileage. The “break-even point” will be calculated by comparing the personal vehicle mileage reimbursement rate established by the Department of Administration to the daily cost of leasing a state vehicle from the state motor pool plus estimated mileage.

- 7.4 Before purchasing a vehicle, the OCA shall take into consideration such factors as the condition of the vehicle and the cost of the vehicle and related insurance compared to the cost of paying personal vehicle mileage at the reimbursement rate established by the Department of Administration.
- 7.5 When considering a new purchase or lease of a state vehicle, on or before September 30 of each year, the OCA should rank the mileage accrued by officials and employees according to the average number of miles traveled during the previous three fiscal years. The OCA shall use the mileage of the person who previously held the position, if applicable.
- 7.6 The OCA shall make good faith efforts to assign available state vehicles according to the ranking compiled in section 7.5 and any need of a youth probation office for a vehicle for transporting youth.

8.0 References and Authorities

See MOM Section 1-0300.10; Title 2, Chapter 18, Part 5, MCA;
Administrative Rules of Montana 2.6.201 through 2.6.214